

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
**TO H.R. 2864**  
**OFFERED BY MR. BALLENGER**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Occupational Safety  
3 and Health Administration Compliance Assistance Au-  
4 thorization Act of 1998”.

**5 SEC. 2. COMPLIANCE ASSISTANCE PROGRAM.**

6       Section 21 of the Occupational Safety and Health Act  
7 of 1970 is amended by adding at the end the following  
8 new subsection:

9       “(d)(1) The Secretary shall establish and support co-  
10 operative agreements with the States under which employ-  
11 ers subject to this Act may consult with State personnel  
12 with respect to—

13               “(A) the application of occupational safety and  
14 health requirements under this Act or under State  
15 plans approved under section 18; and

16               “(B) voluntary efforts that employers may un-  
17 dertake to establish and maintain safe and healthful  
18 employment and places of employment.

1 “Such agreements may provide, as a condition of receiving  
2 funds under such agreements, for contributions by States  
3 towards meeting the costs of such agreements.

4 “(2) Pursuant to such agreements the State shall  
5 provide on-site consultation at the employer’s worksite to  
6 employers who request such assistance. The State may  
7 also provide other education and training programs for  
8 employers and employees in the State. The State shall en-  
9 sure that on-site consultations conducted pursuant to such  
10 agreements include provision for the participation by em-  
11 ployees.

12 “(3) Activities under this subsection shall be con-  
13 ducted independently of any enforcement activity. If an  
14 employer fails to take immediate action to eliminate em-  
15 ployee exposure to an imminent danger identified in a con-  
16 sultation or fails to correct a serious hazard so identified  
17 within a reasonable time, a report shall be made to the  
18 appropriate enforcement authority for such action as is  
19 appropriate.

20 “(4) The Secretary shall, by regulation after notice  
21 and opportunity for comment, establish rules under which  
22 an employer—

23 “(A) which requests and undergoes an on-site  
24 consultative visit provided under this subsection,

1           “(B) which corrects the hazards that have been  
2           identified during the visit within the time frames es-  
3           tablished by the State and agrees to request a subse-  
4           quent consultative visit if major changes in working  
5           conditions or work processes occur which introduce  
6           new hazards in the workplace, and

7           “(C) which is implementing procedures for reg-  
8           ularly identifying and preventing hazards regulated  
9           under this Act and maintains appropriate involve-  
10          ment of, and training for, management and non-  
11          management employees in achieving safe and health-  
12          ful working conditions,

13          may be exempt from an inspection (except an inspection  
14          requested under section 8(f) or an inspection to determine  
15          the cause of a workplace accident which resulted in the  
16          death of one or more employees or hospitalization for 3  
17          or more employees) for a period of one year from the clos-  
18          ing of the consultative visit.

19          “(5) A State shall provide worksite consultations  
20          under paragraph (2) at the request of an employer. Prior-  
21          ity in scheduling such consultations shall be assigned to  
22          requests from small businesses which are in higher hazard  
23          industries or have the most hazardous conditions at issue  
24          in the request.”